

REMARKS

Claims 1-18 are currently pending in the present application. With entry of this Amendment, Applicant amends claims 1, 8 and 15-18. Reexamination and reconsideration are respectfully requested.

The Examiner objected to claim 11 based on an informality. Applicant has amended claim 1 to recite "to a second direction" as the Examiner requested. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection.

The Examiner rejected claims 1-18 under 35 U.S.C. § 102(b) as being anticipated by Nagamitsu (U.S. Patent No. 5,467,401). This rejection is respectfully traversed.

The present invention is directed to a reverberation apparatus for creating an acoustic effect in an acoustic space which is arranged with a sound generating point for generating a sound and a sound receiving point for receiving the sound. Conventionally, when a user would change the position of the sound generating point or the sound receiving point, the user would be required to also specify the change in orientation of the sound generating point or the sound receiving point to reflect the change in position.

The present invention, as set forth in independent claim 1, changes the orientation of the sound generating point without user input as the position of either the sound generating point or sound receiving point changes. The ability to change the orientation without user input is clearly recited in claim 1. Claim 1 provides that the reverberation apparatus has "an orientation control section" that "changes an orientation of the sound generating point within the acoustic space when the position indicating section indicates change of either of the position of the sound generating point and the position of the sound receiving point."

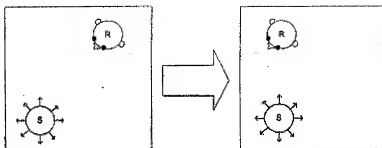
To further emphasize that the change in orientation is without user input, Applicant has amended the above recitation to provide “an orientation control section that changes an orientation of the sound generating point within the acoustic space without user input when the position indicating section indicates change of either of the position of the sound generating point and the position of the sound receiving point.” This amendment does not change the scope of claim 1 and is simply added to further emphasize the operation of the claimed apparatus. Claims 15 and 17 have been similarly amended.

Likewise, the present invention as set forth in independent claim 8 changes the orientation of the sound receiving point without user input as the position of either the sound generating point or sound receiving point changes. Claim 8 as amended recites “an orientation control section that changes an orientation of the sound receiving point without user input when the position indicating section indicates change of either of the position of the sound receiving point and the position of the sound generating point.” Claims 16 and 18 have been similarly amended

In contrast, Nagamitsu fails to disclose the above recitations. There is no disclosure or suggestion in Nagamitsu of changing the orientation of the sound generating point as the position of either the sound generating point or sound receiving point changes. In fact, Nagamitsu makes clear that the sound source “evenly emanates” a plurality of sound rays at Col. 6, lines 18-20. This means that the sound source in Nagamitsu does not even have an orientation to change.

Furthermore, there is no disclosure or suggestion in Nagamitsu of changing the orientation of the sound receiving point as the position of either the sound generating point or the sound receiving point changes. For example, at Col. 5, lines 25-32, Nagamitsu makes clear that data is acquired based on the incident direction of the sound to the sound receiving point. That is,

Nagamitsu is not concerned at all with the orientation of the sound receiving point, but rather the incident direction of the sound to the sound receiving point. This can be visualized if one considers the sound receiving point as a head of a person as illustrated below. (*See also* Col. 5, lines 43-45 of Nagamitsu.) The orientation of the head in Nagamitsu is not changed as the position of the head changes. Rather, what is measured is the incident direction of the sound on the head as oriented.



In the Office Action, the Examiner does not point to any specific disclosure of Nagamitsu that addresses changing the orientation in the manner described above with respect to claims 1, 8 and 15-18. Instead, the Examiner maintained his rejection of Nagamitsu by explaining that orientation control is available to the user:

Regarding applicant's arguments that the reference [Nagamitsu] does not disclose controlling or changing the orientation of sound generating or receiving points, the fact that they disclose a sound stimulating environment gives the user complete control of location and direction of each point. (Office Action, at 9.)

Applicant respectfully submits that such user control – whether or not disclosed in Nagamitsu – does not address the claimed invention. The present invention has an orientation control section that changes the orientation as the position of the sound generating point or sound receiving point changes and, thus, there is no need for user control. This is advantageous over the conventional apparatuses that required the user to specify the orientation. Thus, by focusing on the user control

in Nagamitsu, the Examiner has failed to appreciate the present invention's novelty of obviating the need for such user control.

Accordingly, Applicant respectfully submits that claims 1, 8, and 15-18 are not anticipated by or obvious in view of Nagamitsu. Dependent claims 2-7 and 9-14 are likewise not anticipated by or obvious in view of Nagamitsu for at least the reasons set forth above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 393032044700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 14, 2008

Respectfully submitted,

By: 

Mehran Arjomand

Registration No.: 48,231

MORRISON & FOERSTER LLP

555 West Fifth Street

Los Angeles, California 90013-1024

(213) 892-5630